

C	Pre-disciplinary hearing	Not less than one (1) and no more than three (3) days suspension
D	Pre-disciplinary hearing	Three (3) or more days of suspension without pay or dismissal
E	Pre-disciplinary hearing	Not less than three (3) days and no more than thirty (30) days of suspension without pay or dismissal

## **TWO OR MORE ACCIDENTS WITHIN A 12-MONTH PERIOD**

B+B	Pre-disciplinary hearing	Not less than one (1) day and no more than three (3) days suspension without pay
B+C	Pre-disciplinary hearing	Not less than two (2) and no more than five (5) days suspension without pay
C+C	Pre-disciplinary hearing	Not less than five (5) days and no more than ten (10) days suspension without pay
C+D	Pre-disciplinary hearing	Not less than ten (10) days and up to 30 days suspension without pay or dismissal
B+B+B	Pre-disciplinary hearing	Not less than three (3) days nor more than five (5) days suspension without pay
B+B+C	Pre-disciplinary hearing	Not less than five (5) days nor more than thirty (30) days suspension without pay
B+C+C	Pre-disciplinary hearing	Not less than ten (10) days nor more than thirty (30) days suspension without

C+C+C	Pre-disciplinary hearing	pay Not less than fifteen (15) days and up to thirty (30) days suspension without pay or dismissal
D+D	Pre-disciplinary hearing	Not less than thirty (30) days suspension without pay or dismissal

**NOTE: The Sheriff may, at his/her discretion, change the above penalties due to exigent circumstances.**

## **S.O.P NUMBER 5-4**

### **Pursuit Driving And Responding To Emergency Calls**

#### **1. POLICY**

This Standard Operating Procedure establishes the policy and procedure of the Santa Fe County Sheriff's Office concerning the operation of Sheriff Office vehicles during the course of pursuit driving and responding to emergency calls. Deputies operating Sheriff vehicles will respect and follow the traffic laws of the State of New Mexico in the course of their normal duties. Pursuits shall comply in accordance with Sections 29-20-1 to 29-20-4, NMSA 1978, The Law Enforcement Safe Pursuit Act.

#### **2. PURPOSE**

- A. It is the purpose of this policy to provide guidelines and delineate responsibilities governing pursuit of motor vehicles and emergency driving. It is not the intent to prohibit all motor vehicle pursuits; however, it is the intent to restrict motor vehicle pursuits to those situations and circumstances in which the immediate apprehension of the violator outweighs the hazards generated to Deputies, the public or the occupant(s) of the vehicle being pursued.
- B. A Deputy driving a county owned vehicle when pursuing a vehicle or responding to an emergency call will not arbitrarily exercise the special privilege or right-of-way to which he/she may be entitled, but must exercise due care. He/She must exercise that degree of care in which a reasonably prudent person would perform in the discharge of similar duties and under like circumstances would use.

- C. Under the provisions of this Standard Operating Procedure, a Deputy operating an authorized emergency vehicle, when in pursuit of an actual or suspected violator of the law or dispatched on an emergency call will not be relieved of his/her duty to drive with "due regard" for the safety of all persons and the protection of property.
- D. Self-preservation and consideration of other people's safety are necessary essentials in any pursuit or emergency driving situation.

### 3. AUTHORIZED EMERGENCY VEHICLES

- A. The State Statute of New Mexico defines an authorized emergency vehicle as: "any fire Office vehicle, police vehicle, ambulance and any emergency vehicle assigned to municipal Offices or public utilities that are designated or authorized as emergency vehicles by the director of the New Mexico State Police division of the Office of Public Safety or local authorities. (N.M.S.A. 66-1-4.1 (F), 1978 Comp.)
- B. To further assist the Deputy in capturing fleeing criminals, traffic law violators or in emergency situations, the law has designated police vehicles as authorized emergency vehicles. The special privileges or rights-of-way granted to the Deputy may, under certain circumstances include:
  - 1. Parking or standing irrespective of the provisions of the law governing such action.
  - 2. Proceeding past a red traffic signal, **but only after stopping**, as may be necessary for safe operation.
  - 3. Exceeding the posted speed limit, so long as life and property are not endangered.
  - 4. Disregarding turning movements.
- C. Two basic conditions must be present before the special privileges or rights-of-way may be exercised in pursuit of a motorist or in responding to an emergency call for service:
  - 1. The Deputy must be driving an authorized emergency vehicle, and in a marked vehicle using the red rotating emergency lights, while sounding the siren when reasonably necessary.
  - 2. The Deputy must be in pursuit of an actual or suspected violator or dispatched by communications, whereby the situation is one in which there is a high probability of death or personal injury to an individual, or loss or destruction of property, or where action by a deputy may avert or reduce the seriousness of the situation.

## 4. PROCEDURES FOR PURSUIT DRIVING

### A. Deciding when pursuit is necessary

- 1. It is the policy of the Santa Fe County Sheriff's Office to pursue only those individuals who:
  - a. A Deputy has probable cause to believe have committed a violent felony and are attempting to avoid apprehension by using a motor vehicle; their escape presents the likelihood of death or great bodily harm being inflicted upon another.
  - b. The suspect(s) are fleeing to avoid being served with a violent felony arrest warrant and their escape presents a likelihood of death or serious bodily injury to another.
  - c. A Deputy has probable cause to believe the suspect(s) have committed a felony and are leaving the scene using a motor vehicle as the means of escape, thus creating the likelihood of death or great bodily harm being inflicted upon another.
  - d. The suspect(s) are driving in a hazardous manner that presents continuing danger to other road users and requires an immediate stop to the actions of the suspected driver to prevent the probability of death or serious bodily harm being inflicted on the Deputy or another.
- 2. Violations, which present continuing danger to other road users, require immediate and sometimes hazardous pursuit, such as:
  - a. Driving a motor vehicle while under the influence of intoxicating liquor and or drugs.
  - b. Reckless Driving
  - c. Driving at speeds in extreme excess of posted speed limits as in competition racing on public streets or highways (i.e. Drag Racing).

3. Pursuit of violators who are not committing hazardous moving violations does not merit excessive speed, or unnecessary risk to the pursuing Deputy and nearby motorists or pedestrians.

## **B. Definitions**

1. Vehicular Pursuit – An active attempt by a Deputy in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the law enforcement.
2. Authorized Emergency Vehicle – A vehicle of this agency equipped with operable emergency equipment as designated by state law.
3. Primary Unit – The police unit, which initiates a pursuit or any unit, which assumes control of the pursuit.
4. Assisting/Secondary Pursuit Units – The unit(s) which assume the assisting positions, at the request of the primary unit who initiates the pursuit.
  - a. Assisting/Secondary Pursuit units shall:
    - Engage all emergency equipment;
    - Notify communications of his/her identity;
    - Assume radio transmissions responsibility, allowing the primary unit to devote his/her full attention to driving.
    - In the event where a secondary unit must pass the primary unit to assume the primary position, the Deputy shall notify the primary unit of his/her intent to pass, via police radio. Passing will only take place when it is safe to do so and only when it does not require movement into oncoming lanes of traffic.
    - Exercise due care and caution to protect the lives, property and public safety. To assure this end, secondary units are to proceed at the minimum response level that will still allow effective assistance to the primary unit.

## **C. Initiation of Pursuit:**

1. The decision to initiate pursuit must be based on the pursuing Deputy's conclusion that the immediate danger to the Deputy and the public created by the pursuit, is less than the immediate or potential danger to the public should the suspect remain at large.
2. Any law enforcement Officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the Deputy reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
3. In deciding whether to initiate pursuit, the Deputy shall take into consideration:
  - a. Road, weather and environmental conditions;
  - b. The time of day/night, population density and vehicular and pedestrian traffic.
  - c. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
  - d. The seriousness of the offense; and
  - e. The presence of other persons in the police vehicle.

## **D. Identification of the Pursued Vehicle**

1. Advise communications a pursuit chase is in progress, informing them of the reason for the pursuit, and advise whether assistance will be necessary or not. Transmit information to communications in order of importance.
  - a. The pursuing Deputy must identify themselves by unit number and give his/her present location as specifically as possible.
  - b. State the direction of travel and any subsequent change of direction.
  - c. Describe the vehicle and the number of occupants if available.

- d. In the event the pursued driver abandons his/her vehicle and the Deputy decides to pursue on foot, advise communications of the development and, as specifically as possible, the location where the Sheriff vehicle is being abandoned.

2. In identifying the pursued vehicle, list such identifying features such as the license plate number and issuing state, the make, style, color, and year; and any unusual features or characteristics of the vehicle.

#### **E. Pursuit Operations**

1. All emergency vehicle operations shall be conducted in strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate all appropriate warning equipment, to include the siren. The driver of an unmarked vehicle or a police vehicle without roof mounted lightbars shall insure all standard installed emergency equipment is utilized.
3. Upon engaging in a pursuit, the Deputy shall notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The Deputy shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the primary radio channel of non-emergency traffic, and relay necessary information to other Deputies, agencies and jurisdictions.
4. When engaged in a pursuit, Deputies shall not drive with reckless disregard for the safety of other road users or pedestrians.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.
6. The primary pursuit unit shall become the secondary unit when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibilities. This would apply to marked

police vehicles assuming primary duties from an unmarked police vehicle or an SUV/4x4 assigned vehicle.

#### **F. Supervisory Responsibilities**

1. When made aware of a vehicular pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure the proper procedures are being used, and shall have the discretion to terminate the pursuit.
2. Where possible, a supervisory Deputy shall respond to the location where a vehicle has been stopped following a pursuit.

#### **G. Pursuit Tactics**

1. Deputies shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage from the primary position and assume the secondary units responsibilities when a marked unit is in position to assume control of the pursuit.
3. SUV/4x4 assigned patrol units may be used for a pursuit in exigent circumstances and when weather and related conditions allow. They shall assume the secondary role when support from marked patrol units become available.
4. All intervention tactics, short of deadly force, such as spike strips, low speed tactical intervention techniques, and low speed channeling (with appropriate advance warning) should be used when it is possible to do so in a safe manner and after receiving the appropriate training in their application.
5. Decisions to discharge firearms at or from a moving vehicle, to use a roadblock, ram or box in a suspect vehicle, shall be governed by this agency's use of force policy, and are prohibited if they present an unreasonable

risk to others. They should first be authorized, whenever possible by a supervisor.

6. Once the pursued vehicle is stopped, Deputies shall utilize appropriate Deputy safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspect(s) into custody.

#### **H. Safety During Pursuit**

1. Safety is a prime consideration when trying to pass through traffic while moving at a speed faster than surrounding traffic.
2. The pursuing Deputy should attempt a rapid apprehension in order to lessen danger to themselves, the violator, other traffic, and pedestrians.
3. Intersections are a source of grave danger to the Deputy. He/she should never approach at a speed greater than he/she can bring the vehicle to a stop if another vehicle enters from an adjoining street. When the Deputy is approaching the intersection, he/she shall come to a stop when the stoplight is **RED**.

#### **I. Terminating Pursuit**

1. There are various reasons for terminating a pursuit, such as:
  - a. The hazards are high, exposing the Deputy and the public to unwarranted risk, especially when the violation is not serious.
  - b. When conditions clearly indicate the futility of further pursuit. Darkness, road and weather conditions, distance between the pursuer and pursued are examples of such conditions.
2. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminates the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
3. The pursuit may be terminated by the primary pursuit unit at any time.
4. A supervisor may order the termination of a pursuit at any time.

5. A pursuit may be terminated if visual contact with the suspect vehicle is lost for more than ten (10) seconds, suspect's identity has been determined, immediate apprehension is not necessary to protect the public or Deputies, and apprehension at a later time is feasible.

#### **J. Inter-Jurisdictional Pursuits**

1. The pursuing Deputy shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.
2. Pursuit into a bordering state shall conform to the law of both states and any applicable inter-jurisdictional agreements.
3. When a pursuit enters this jurisdiction, the action of Deputies shall be governed by the policy of the Deputy's own agency, specific inter-local agreements and state law as applicable.

#### **K. After Action Reporting**

1. Whenever a Deputy engages in a pursuit, the Deputy shall file a written report on the appropriate form detailing the circumstances of the pursuit. This report shall be critiqued by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.
2. The department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

#### **L. Training**

Deputies who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy, emergency driving techniques and safe driving tactics.

### **5. LEGAL ASPECTS OF PURSUIT OR EMERGENCY DRIVING**

- A. The Deputy driving an emergency vehicle must remember that the laws governing the operation of such vehicles does not protect the driver from the consequences of reckless disregard for the safety of others. It is merely a privilege allowed for emergency conditions.

- B. When driving an authorized emergency vehicle, the driver is not required to continuously sound the siren while pursuing a motorist or responding to an emergency call for service; however, State Law requires the siren be sounded when reasonably necessary to warn pedestrians and other drivers of the emergency vehicle's approach.
- C. The sounding of the siren does not automatically relieve the Deputy from the duty to exercise due care. In determining whether due care was being used by the Deputy, in the event of a collision, the courts will consider whether:
  - 1. It was reasonably necessary to give an audible signal under all the circumstances.
  - 2. The siren was in fact sounded.
  - 3. The signal given was audible to the other motorist or pedestrian.
  - 4. The requirement of notice was given in ample time. This requirement is not complied with if the warning is not given until a collision is inevitable. It must be given in order to adequately give the motorist a reasonable opportunity to yield the right-of-way

**EXAMPLE:** The failure to make use of the siren while traveling above the posted speed limit and proceeding through a controlled intersection could quite likely be considered negligence on the part of the Deputy.

## **S.O.P NUMBER 6-1 Wrecker Service**

### **1. PURPOSE**

- A. This Standard Operating Procedure establishes the policy and procedure of the Santa Fe County Sheriff's Office concerning the relationship of its members and employees with vehicle wrecking companies, tow-truck operations, and/or their employees.
- B. Strict adherence to this Standard Operating Procedure is expected and required by all personnel of this Office. To do so otherwise could bring discredit upon the Sheriff's Office and will subject any offending member or employee to disciplinary action.

### **2. POLICY**

- A. Request for wrecker service by any member or employee acting in an official capacity shall be restricted to the wrecker on call in accordance with the wrecker rotation log, unless a vehicle owner or operator of a vehicle to be towed requests wrecker service from a specific company. (Known as an owners request).
- B. Under no circumstances will any deputy or employee recommend or suggest the owner or operator of a vehicle being towed utilize any specific wrecker company or tow-truck operator.

### **3. PROCEDURE**

- A. When a vehicle operator is taken into custody, and his/her vehicle is to be towed, the arresting Deputy will request the next wrecker on line according to the wrecker rotation log maintained in the Regional Emergency Communications Center.
- B. When a disabled vehicle is to be towed, as from the scene of an accident, the Deputy shall ask the owner/operator of the vehicle if they prefer any specific towing company to tow their vehicle. If none is specified, the Deputy shall only request the next wrecker in line according to the wrecker log maintained in the Regional Communications Center, unless the vehicle operator or owner initiates a request for a specific wrecker company.
- C. No member or employee of the Santa Fe County Sheriff's Office will, by virtue of his/her employment or service in an official capacity, accept any consideration or gratuity from any wrecker company or its employees.
- D. Before any vehicle is impounded, due to reasons other than being involved in a motor vehicle accident, by owner's request, or by private property request, such impoundment must be cleared by the shift commander.
- E. Once the radio dispatcher has notified the Deputy in the field of the name of the wrecker service dispatched, no other wrecker service should be allowed to tow the vehicle other than the next wrecker on rotation.
- F. If a wrecker service is unable to respond or fails to respond to a call within 30 minutes, the next wrecker service on the rotation log will be called. The wrecker service unable to respond will be placed at the bottom of the rotation log.

- G. An authorized wrecker is only one, which has been dispatched through Sheriff Communications as a "list call", or at the specific request of the vehicle owner or operator. Wreckers, which "happen to be passing by", are not permitted to solicit any of the owners or operators involved in the accident. Unauthorized wreckers at the scene may be used by the Deputy to clear the scene, this does not authorize them to tow the vehicle from the scene without the express request of the owner or operator of the vehicle.
- H. A report of towed vehicle (TOW SHEET) shall be completed by the requesting Deputy, containing a complete description of the vehicle, the property within the vehicle, the signature of the wrecker driver, and any pertinent information required by the Deputy. A carbon copy of the tow sheet shall be given to the wrecker driver to be attached to his bill of lading and the original copy shall be attached to the Deputy's report.
- I. In the event the owner or operator of a vehicle requests a specific wrecker company to tow his/her vehicle and that wrecker company is not on the Office's rotation log, the request will be honored providing the wrecker company requested is able to respond in a timely fashion and as outlined in section F of his Standard Operating Procedure.
- J. Wrecker companies wishing to be placed on the Office wrecker rotation log must submit a written request to the Sheriff. Only the Sheriff may approve or disapprove these requests. The Sheriff has the only authority to remove a towing company from the Office wrecker rotation log.

**NOTE: (PARAGRAPH I.) THIS DOES NOT APPLY TO ARRESTED PERSONS AND THEIR VEHICLES.**

## **S.O.P NUMBER 6-2**

### **Impoundment Of Vehicles Pursuant To Arrest/Seizure**

#### **1. PURPOSE**

To establish a policy concerning the impounding of vehicles in conjunction with an arrest, narcotics investigation, evidentiary search or general safekeeping.

#### **2. POLICY**

Requests for authorization and/or tow service shall be in keeping with Standard Operating Procedure 6-1. This Standard Operating Procedure addresses those situations involving the release of a vehicle pursuant to arrest, at the scene of arrest, holds pending criminal litigation, and forfeiture proceedings.

#### **3. PROCEDURE**

##### **A. Impounding pursuant to arrest.**

1. The criteria set forth in Standard Operating Procedure 6-1, Paragraph H, shall be observed.
2. There must be mention of the vehicle in the Deputy's offense/incident report reflecting all vehicle information, tow service, and disposition of the vehicle.
3. Unless directed otherwise, the Deputy shall order the vehicle be towed to, and stored at the towing company's lot.
4. Release of the vehicle shall be authorized by this Office only after the individual seeking to secure the release of the vehicle produces satisfactory proof of ownership.
5. Prior to any release, the impound log, which is maintained in the Regional Emergency Communications Center, must be examined for the possibility of a "hold" having been placed on the vehicle by the investigating Deputy.

##### **B. Authority to release (on-site) a vehicle, upon request of the owner/driver to a third party.**

1. Determination to release may be at the Deputy's discretion having consulted with his/her immediate supervisor who, when possible, shall act as a witness.
2. The Deputy may release to a third party after having observed all of the following:
  - a. Proof the driver is in legal possession of the vehicle by examination of the vehicle registration, title, vehicle registration inquiry, etc., and NCIC inquiry.
  - b. The consent of the owner/driver to release the vehicle to a third party.
  - c. Proof the third party driver is a valid licensed driver and that his/her driving privileges are not currently under a suspended or revoked status.